

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s): Gerhard Duernberger
Serial No.: 10/596,992
Filed: July 5, 2006
Title: TURNING PROFILE

Examiner: Adriana Figueroa
Art Unit: 3633

Docket No. TURKP0133US

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Don W. Bulson/
By _____
Don W. Bulson, Reg. No. 28,192
Attorney of Record

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

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ADDENDUM TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

The review is requested for the following reasons.

The claims stand rejected with primary reliance being had on newly cited US 6505452 (Hannig) when considered with US 2003/0024199 (Pervan) and/or 7065935 (Eisermann).

According to the Examiner, the profiled cross-sectional portions 47 and 48 have the same but inverted geometry. This is not the case. As is evident from Fig. 8, the geometries are different in that a space L1 is provided between the upper-side hook portion 47 and the lower-side web 49 of one panel and not between the lower-side hook portion 48 of the other panel and the upper-side web 46 of the first panel. Consequently, the geometries are not substantially the same, taking into account an advantage of the claimed configuration being the avoidance of different milling heads and/or processes.

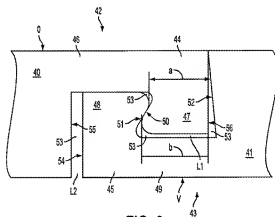


FIG. 8

In the Advisory Action the Examiner contends:

In response to applicant's argument that the prior art of Hannig does not meet the limitation of "the profile portions having the same geometry" examiner asserts that portions 47 and 48 have the same shape which is the same as having the same geometry as can be seen clearly in Figure 8; although the dimensions are slightly different to create the space L 1, the portions have the same geometry.

The Examiner contends the portions 47 and 48 have the same geometry even though they do not have the same dimensions. But if they do not have substantially the same dimensions, they do not have the same geometry. The claim recites the "same geometry", not the "same shape".

Regarding the claims rejected over a combination of Hannig with Pervan or Eisermann, the combinations lack reasonable basis. Hannig already has a means for locking the panels together, so there simply is no reason to include any of the locking devices of Pervan or Eisermann, even if there was some meaningful way of incorporating those locking devices into the connecting means of Hannig. The proposed combinations would so alter the panels of Hannig that they would no longer interconnect in their intended manner.

Consequently, the prior art rejections should be withdrawn.